

**RULES
OF
THE TENNESSEE DEPARTMENT OF CORRECTION**

**CHAPTER 0420-3-2
GUIDELINES**

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0420-3-2-.01 STATEMENT OF INTENT.

- (1) It is the policy of this Department that punishment imposed for the commission of a disciplinary offense be reasonably related to the seriousness of the offense and, to the degree possible, relatively uniform in its application throughout the system.
- (2) The most severe punishments which can be imposed for the commission of a disciplinary offense are the loss of sentence credits (good time, honor time, incentive time and PPSC) and the imposition of punitive segregation. Punishment by loss of sentence credits or segregated confinement is costly. There is a need to balance the "cost" of such punishment and the probable effect of its imposition.
- (3) Outlined below is a *guideline* for the *maximum* amounts of sentence credits which should be taken and terms of punitive segregation which should be imposed for the commission of various classes of disciplinary offenses. Excessive punishment tends to defeat the purposes of discipline and, therefore in imposing punishment the disciplinary panel should *strive* to impose the least punitive sanction which appears to be reasonably calculated to achieve the ends of discipline. The policy does permit the imposition of harsher punishment where the *unusual* circumstances of the case clearly justify such actions.
- (4) The disciplinary panel is charged with the duty of taking all reasonable actions to insure that these guidelines for the imposition of maximum punishments do *not* become the *normal* punishment imposed for the commission of the designated classes of offenses.
- (5) This policy does *not* effect the power or authority of disciplinary board to impose any other type of penalty set forth in the Department's Disciplinary Procedures in *addition* or separate from those set forth in this policy.

Authority: T.C.A. §41-363 (2). **Administrative History:** Original rule filed February 13, 1981; effective April 15, 1981.

0420-3-2-.02 CLASSIFICATION OF OFFENDERS.

- (1) The classification of offenses set forth in rule 0420-1-1-.09 applies to the guidelines set forth in this chapter relative to the imposition of disciplinary sanctions.

Authority: T.C.A. §41-363 (2). **Administrative History:** Original rule filed February 13, 1981; effective April 15, 1981.

0420-3-2-.03 IMPOSITION OF HARSHER PENALTIES.

- (1) The chart in rule 0420-3-2-.05 sets forth the *guidelines* for the *maximum* amounts of good, honor, incentive, and prisoner performance sentence credits which may be taken away and the *maximum* term of punitive segregation which may be imposed for the commission of disciplinary offenses of various classes. These guidelines do *not* prohibit the imposition of a more severe penalty than set forth in the chart, *but* where a more severe punishment is imposed, the disciplinary board findings *must* explain why that action was taken.
- (2) The imposition of a harsher penalty will be sustained *only* if justified in the disciplinary board's findings by clear and cogent reasons.

Authority: T.C.A. §41-363 (5). **Administrative History :** Original rule filed February 13, 1981; effective April 15, 1981.

0420-3-2-.04 COMMISSION OF ADDITIONAL OFFENSES.

- (1) In imposing the types of punishments set forth in rule 0420-1-2-.05 the board may consider the nature and type of offenses committed by the inmate within 36 months of the date when the offense before the board was committed. Where the inmate has previously been convicted of an offense of the same class or a more serious class within the 36 month period, the guidelines for the maximum punishment which should be imposed are elevated. Likewise, the guidelines for the maximum punishment which should be imposed are elevated when an inmate is convicted of multiple offenses at a single hearing.

Authority: T.C.A. §41-363 (5). **Administrative History:** Original rule filed February 13, 1981; effective April 15, 1981.

0420-3-2-.05 PUNISHMENT GUIDELINES.

- (1) The chart states the guidelines for the maximum amounts of sentence credits which should be taken and the maximum term for which punitive segregation should be imposed for the commission of various classes of disciplinary offenses.
- (2) The horizontal axis specifies the number and type(s) of offenses previously committed. The vertical axis sets forth the offense for which the inmate has just been convicted. Where the two axis intersect for a particular inmate convicted of a specific offense, the guidelines for maximum punishments of the type covered by this policy are set forth.

(Rule 0420-3-2-.05, continued)

**GUIDELINES FOR THE MAXIMUM AMOUNT OF SENTENCE CREDITS TO BE TAKEN
AND THE MAXIMUM TERM OF PUNITIVE SEGREGATION TO BE IMPOSED
FOR THE COMMISSION OF VARIOUS OFFENSES**

NUMBER OF PREVIOUS OFFENSES		None	1	1	1	2	2	2	1@	1@	1@
TYPES OF PRIOR OFFENSES			A	B	C	A	B	C	A & B	A & C	B & C
CLASS A	SENTENCE CREDITS	6M	9M	6M	6M	12M	6M	6M	9M	9M	6M
	PUNITIVE SEGREGATION	10D	20D	10D	10D	30D	10D	10D	20D	20D	20D
CLASS B	SENTENCE CREDITS	*2M	*4M	*4M	*2M	*6M	*6M	*2M	*6M	*4M	*4M
	PUNITIVE SEGREGATION	5D	10D	10D	5D	30D	30D	5D	30D	10D	10D
CLASS C	SENTENCE CREDITS	*0	*15D	*15D	*15D	*1M	*1M	*1M	*1M	*1M	*1M
	PUNITIVE SEGREGATION	0	5D	5D	5D	10D	10D	10D	10D	10D	10D

**PPSC and accumulated incentive time may be taken for commission of a Class 'A' disciplinary offense or refusal to participate in an assigned program. But good and honor time may be taken for the commission of any offense.*

M:- Month(s) D: Day(s)

Authority: T.C.A. §541-363 (5). **Administrative History:** Original rule filed February 13, 1981; effective April 15, 1981.

0420-3-2-.06 RESTORATION OF SENTENCE CREDITS.

- (1) The restoration of PPSC and incentive time are controlled by rule 0420-3-1-.12.
- (2) Good and honor time credits taken from an inmate for an offense committed on or after October 1, 1980 in accordance with the procedures stated in this policy *will not be restored*. Good and honor time credits taken away before that date may be restored in accordance with the procedures in existence when the credits were taken.

Authority: T.C.A. §41-363 (5). **Administrative History:** Original rule filed February 13, 1981; effective April 15, 1981.

0420-3-2-.07 ADMINISTRATIVE SEGREGATION.

- (1) This chapter has no effect whatsoever upon the authority of the warden to place an inmate in administrative segregation. Administrative segregation is not a disciplinary sanction, but rather a control mechanism, and, therefore, beyond the scope of this policy.

Authority: T.C.A. §41-363 (1). **Administrative History:** Original rule filed February 13, 1981; effective April 15, 1981.

0420-3-2-.08 EFFECTIVE DATE.

- (1) The guidelines set forth in this chapter for the imposition of disciplinary sanctions applies to all offenses committed on or after October 1, 1980.

Authority: T. C. A. §41-363. **Administrative History:** Original rule filed February 13, 1981; effective April 15, 1981.